

**PUBLIC CHAPTER NO. 803**

**HOUSE BILL NO. 2564**

**By Representatives Fincher, Cooper, Maddox, Hardaway**

**Substituted for: Senate Bill No. 2664**

**By Senators Burks, Marrero**

AN ACT to amend Tennessee Code Annotated, Section 39-15-403 and Title 62, Chapter 38, relative to certain procedures performed upon minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-38-207, is amended by deleting subsections (b) and (f) in their entireties.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 38, Part 2, is amended by adding the following as a new section thereto:

§ 62-38-211.

(a) Except as provided in subsection (b), it is a Class A misdemeanor to tattoo a person under eighteen (18) years of age.

(b) With the written consent of the parent or legal guardian a minor sixteen (16) years of age or older may be tattooed to cover up an existing tattoo. A parent or legal guardian must present proof of guardianship or custody of the minor and must be present during the procedure. For purposes of this section, "proof of guardianship or custody" shall include a copy of an order of guardianship, a decree for custody, a birth certificate, or any other form of proof of guardianship or custody that is permitted by rule of the department of health.

SECTION 3. Tennessee Code Annotated, Section 62-38-305, is amended in subsection (b) by deleting the word "and" at the end of subdivision (b)(4) and by adding the following as a new subdivision (b)(5) and renumbering the subsequent subdivision accordingly:

(5) Present proof of guardianship or custody of the minor. For purposes of this subdivision (b)(5), "proof of guardianship or custody" shall include a copy of an order of guardianship, a decree for custody, a birth certificate, or any other form of proof of guardianship or custody that is permitted by rule of the department of health; and


SECTION 4. Tennessee Code Annotated, Section 39-15-403, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) Except as provided by § 62-38-211, a person who for commercial purposes tattoos the skin of any person under eighteen (18) years of age commits a Class A misdemeanor.

SECTION 5. For the purposes of carrying out the provisions of Sections 1 and 2 of this act, the department of health is authorized to promulgate rules and regulations. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated Title 4, Chapter 5.

SECTION 6. This act shall take effect July 1, 2008, the public welfare requiring it.

**PASSED: April 10, 2008**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 24th day of April 2008**

  
PHIL BREDESEN, GOVERNOR